

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 2nd day of September, 2014 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT:

Adan Chapa	Mayor
Vickie Abrego	Mayor Pro Tem
Ramiro Gomez	Council Member
Billy Ellis	Council Member
Phillip Hyatt	Council Member

ABSENT:

ADMINISTRATIVE

PERSONNEL PRESENT:

Sylvia Carrillo	City Manager
Allen Lawrence	City Attorney
Yvonne Stonebraker	City Secretary

ADMINISTRATIVE

PERSONNEL ABSENT:

STAFF PRESENT:

Jeff Martin	I.T.
Donna Cox	Finance Director
David Perkins	Asst. Police Chief
Sarah Lee	Civic Center Manager
Manny Camarillo	Parks & Rec Director
C.J. Shusta	Animal Control
Tanya Haleua	Animal Control
Ron Howe	Municipal Court
Brooke Ostrom	Social Media Intern
Rickie Kilgore	Fire Chief

OTHERS PRESENT:

Shawn Miller, Alfredo & Diane Flores, Carol Salinas, Hope Comingore/APMDD, Donald & Jeanie Brummett, Opal Abbott, Steve Warren, Terry Stansberry/APCC&PD, Alice Gillespie, Juan Perales, Jr., Mike Moore, Grant Erickson, Rev. Daniel Haws, Annita West/Aransas Pass Progress and Patsy Lawrence.

There may have been others present who did not sign in.

1. CALL MEETING TO ORDER.

Mayor Chapa opened the meeting at 7:00 P.M.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Mayor Chapa led the Invocation and the Pledge of Allegiance to the United States Flag.

3. CONSENT AGENDA – “All of the following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.”

- A. ORDINANCE NO. 2014-4079 – AN ORDINANCE AMENDING ORDINANCE NO. 2014-4073, AN ORDINANCE RE-ZONING PROPERTY, WHICH ORDINANCE HAD AN INCORRECT PROPERTY DESCRIPTION AND THIS ORDINANCE BEING FOR THE PURPOSE OF CORRECTING SUCH PROPERTY DESCRIPTION.
- B. ORDINANCE NO. 2014-4080 - AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS, AMENDING CHAPTER 29 – UTILITIES BY ADDING SECTION 29-13 TO ASSESS A \$2.50 PER MONTH PER UTILITY ACCOUNT FEE ENTITLED “EMERGENCY MEDICAL SERVICES FEE.”
- C. ORDINANCE NO. 2014-4081 – AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS, AMENDING CHAPTER 29 – UTILITIES BY ADDING SECTION 29-14 TO ASSESS A \$2.50 PER MONTH PER UTILITY ACCOUNT FEE ENTITLED “DRAINAGE FEE.”
- D. ORDINANCE NO. 2014-4082 – AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS, AMENDING CHAPTER 5 BUILDINGS AND CONSTRUCTION; ARTICLE I, IN GENERAL; SECTION 5-2 AMENDMENTS TO AND MODIFICATIONS OF BUILDING CODE, 1. BUILDING, SUB-ITEM K. BY ADDING A METER SET FEE OF \$100.00 FOR NEW CONSTRUCTION.

Motion Made By: Council Member Ellis

Seconded By: Council Member Gomez

Votes: Aye Ellis, Gomez, Hyatt, Abrego, Chapa

Discussion: Council Member Ellis made a motion to approve the consent agenda. Council Member Gomez seconded the motion and the motion carried unanimously.

4. CONSIDER AND ACT ON TAX RE-SALE PROPERTIES:

- A. SUIT NO. A-05-3066-TX-A; ARANSAS COUNTY, ARANSAS PASS INDEPENDENT SCHOOL DISTRICT AND CITY OF ARANSAS PASS VS MICHAEL J. ULRICH, ET AL, TRACT NO. 2: ACCT. NOS. R12476 AND 0149-389-001-000; LOT 1, BLOCK 389, ORIGINAL TOWNSITE, CITY OF ARANSAS PASS, ARANSAS COUNTY, TEXAS, AS DESCRIBED IN CLERK'S FILE #225187, DEED RECORDS OF ARANSAS COUNTY, TEXAS, AS DESCRIBED IN VOLUME U-2, PAGE 138, DEED RECORDS OF ARANSAS COUNTY, TEXAS. N. LAMONT, ARANSAS PASS. BID BY CARY M.A. SMITH OF \$610.00.
- B. SUIT NO. A-08-3082-TX-B; ARANSAS PASS INDEPENDENT SCHOOL DISTRICT, CITY OF ARANSAS PASS AND ARANSAS COUNTY VS CHRISTINA VELA RODRIGUEZ, ET AL, ACCT. NO. R12646; LOT 4, BLOCK 474, ORIGINAL TOWNSITE, CITY OF ARANSAS PASS, ARANSAS COUNTY, TEXAS, AS DESCRIBED IN CLERK'S FILE #225187, DEED RECORDS OF ARANSAS COUNTY, TEXAS. 833 N. RIFE, ARANSAS PASS. BID BY NEXT LOTS, LLC OF \$3,990.00.

Motion Made By: Mayor Pro Tem Abrego

Seconded By: Council Member Hyatt

Votes: Aye Abrego, Hyatt, Gomez, Ellis, Chapa

Discussion: Mayor Pro Tem Abrego made a motion to approve Tax Resale Properties:

- a. Suit No. A-05-3066-TX-A; Aransas County, Aransas Pass Independent School District and City of Aransas Pass vs Michael J. Ulrich, et al, Tract No. 2: Acct. Nos. R12476 and 0149-389-001-000; Lot 1, Block 389, Original Townsite, City of Aransas Pass, Aransas County,

Texas, as described in Clerk's File #225187, Deed Records of Aransas County, Texas, as described in Volume U-2, page 138, Deed Records of Aransas County, Texas. N. Lamont, Aransas Pass. Bid by Cary M.A. Smith of \$610.00.b. Suit No. A-08-3082-TX-B; Aransas Pass Independent School District, City of Aransas Pass and Aransas County vs Christina Vela Rodriguez, et al, Acct. No. R12646; Lot 4, Block 474, Original Townsite, City of Aransas Pass, Aransas County, Texas, as described in Clerk's File #225187, Deed Records of Aransas County, Texas. 833 N. Rife, Aransas Pass. Bid by Next Lots, LLC of \$3,990.00. Council Member Hyatt seconded the motion and the motion carried unanimously.

5. **CONSIDER AND ACT ON AMENDMENTS TO THE CITY OF ARANSAS PASS ANIMAL CONTROL ORDINANCE.**

Motion Made By: Council Member Ellis

Seconded By: Council Member Hyatt

Votes: Aye Ellis, Hyatt, Gomez, Abrego, Chapa

Discussion: City Manager Carrillo stated Mr. Allen Spence, Texas Academy of Animal Control Officers, advised the City of Aransas Pass to strengthen the Animal Control Ordinance.

Ms. Carol Salinas voiced her opinion on roosters crowing in the city limits at 4 am in the morning. She asked if there could be a limit on roosters and chickens in the Aransas Pass Code of Ordinances.

Council Member Ellis made a motion to approve amending the Animal Control Ordinance. Council Member Hyatt seconded the motion and the motion carried unanimously.

6. **CONSIDER AND ACT ON A CITY OF ARANSAS PASS UTILITY RATE FEE INCREASE.**

Motion Made By: Council Member Ellis

Seconded By: Council Member Gomez

Votes: Aye Ellis, Gomez, Hyatt, Abrego

Nay: Mayor Chapa

Discussion: City Manager Carrillo stated she would like to increase water consumption by \$.40. She stated Aransas Pass had the lowest water rates around.

Council Member Ellis made a motion to approve an Aransas Pass utility rate increase. Council Member Gomez seconded the motion and the motion carried with Mayor Chapa opposing.

7. **CONSIDER AND ACT ON CITY STAFF TO HOLD AN ONLINE AUCTION THROUGH RENE BATES AUCTIONEERS FOR OLD, BROKEN AND NO LONGER USED CITY PROPERTY.**

Motion Made By: Council Member Hyatt

Seconded By: Council Member Gomez

Votes: Aye Hyatt, Gomez, Ellis, Abrego, Chapa

Discussion: City Manager Carrillo stated staff had stuff stored at the old DeBerry utility office, the old public works office on E. Wilson and on city property located on Ransom Road. She stated she would like to start getting rid of a bunch of city items.

City Attorney Allen Lawrence stated before the city could have an auction, the Council must first declare city property as surplus property.

City Manager Carrillo agreed and stated she would present a finalized list of city property at the next council meeting.

Council Member Hyatt made a motion to approve holding an online auction with Rene Bates Auctioneers. Inc. for old, broken and no longer used city property. Council Member Gomez seconded the motion and the motion carried unanimously.

8. **CONSIDER AND ACT ON ADVERTISING FOR REQUESTS FOR PROPOSALS ON CONSTRUCTION SERVICES FOR VETERANS MEMORIAL PARK.**

Motion Made By: Mayor Pro Tem Abrego

Seconded By: Council Member Ellis

Votes: Aye Abrego, Ellis, Gomez, Hyatt, Chapa

Discussion: City Manager Carrillo stated the RFP would include but not limited to fence, parking lot, waterline extension and bollards.

Mayor Pro Tem Abrego made a motion to approve advertising for Request for Proposals on construction services for Veteran's Memorial Park. Council Member Ellis seconded the motion and the motion carried unanimously.

9. **CONSIDER AND ACT ON ACCEPTING A BID FOR DESIGN SERVICES AT COMMUNITY PARK.**

Motion Made By: Council Member Hyatt

Seconded By: Mayor Pro Tem Abrego

Votes: Aye Hyatt Abrego, Ellis Chapa

Abstained: Council Member Gomez

Discussion: Mr. Shawn Miller stated he put a bid together for the City of Aransas Pass and is a bid design only. He stated there would be change orders. He stated the design would need to be examined by engineers and contractors. He stated he had a great design team who were professional disc golf designers.

Mayor Chapa asked Mr. Miller if he were to receive the bid, how long would it be for the design would be ready. Mr. Miller stated 4-6 weeks.

City Manager Carrillo stated she, the engineer and the Parks Director would be working with the designers on the project.

Mr. Miller stated regarding the parking lot, he would only design a blue print in his bid packet.

Council Member Hyatt made a motion to approve Blake Jacobs Construction and Design bid for design services at Aransas Pass Community Park. Mayor Pro Tem Abrego seconded the motion and the motion carried with Council Member Gomez abstaining from the vote.

10. **CONSIDER AND ACT ON THE ARANSAS PASS MUNICIPAL DEVELOPMENT DISTRICT BYLAWS BY CHANGING MEMBER EXPIRATION DATES FROM JULY 31ST TO SEPTEMBER 30TH.**

Motion Made By: Council Member Hyatt

Seconded By: Council Member Gomez

Votes: Aye Hyatt, Gomez, Ellis, Chapa

Abstained: Mayor Pro Tem Abrego

Discussion: Council Member Hyatt made a motion to approve amending the Aransas Pass Municipal Development District Bylaws by changing member expiration dates from July 31 to September 30.

Council Member Gomez seconded the motion and the motion carried with Mayor Pro Tem Abrego abstaining from the vote.

11. **ARANSAS PASS MUNICIPAL DEVELOPMENT DISTRICT 2014-2015 BUDGET:**

A. PUBLIC HEARING

City Attorney Lawrence opened the Public Hearing at 7:30 PM.

Aransas Pass Municipal Development District (APMDD) President Hope Comingore presented the 2014-2015 APMDD Budget.

President Comingore stated the projected budget was raised to \$825,250 for APMDD. She stated the APMDD had a bond payment due of \$562,439.88, Board Operating Expenses of \$85,850.00 (includes \$80,000 toward as needed basis expenses and approved by APMDD), and Civic Center expenses of \$252,000.00 leaving the board with \$75,039.88.

City Attorney Lawrence asked if there were anyone who would like to speak in favor or against the APMDD proposed Budget.

There were none.

City Attorney Lawrence closed the Public Hearing at 7:34 PM.

B. CONSIDER AND ACT ON ADOPTION OF BUDGET.

Motion Made By: Council Member Ellis

Seconded By: Council Member Hyatt

Votes: Aye Ellis, Hyatt, Gomez, Chapa

Abstain: Mayor Pro Tem Abrego

Discussion: Council Member Ellis made a motion to approve the Aransas Pass Municipal Development District's 2014-2015 Budget. Council Member Hyatt seconded the motion and the motion carried with Mayor Pro Tem Abrego abstaining from the vote.

12. **ARANSAS PASS CRIME CONTROL AND PREVENTION DISTRICT 2014-2015 BUDGET:**

A. PUBLIC HEARING

City Attorney Lawrence opened the Public Hearing at 7:35 PM.

Aransas Pass Crime Control and Prevention District (APCC&PD) President Terry Stansberry presented the APCC&PD 2014-2015 Budget. He stated the budget was raised to \$787,000 for the new year. He stated \$777,537.20 was reserved for grants awarded to the City, Board Operating Expenses of \$7,000.00, \$430,000.00 reserved for Police Department Building and an unreserved total of \$31,779.80.

City Attorney Lawrence asked if there was anyone who would like to speak in favor or against the APCC&PD proposed Budget.

There were none.

City Attorney Lawrence closed the Public Hearing at 7:39 PM.

B. CONSIDER AND ACT ON ADOPTION OF BUDGET.

Motion Made By: Council Member Hyatt

Seconded By: Mayor Pro Tem Abrego

Votes: Aye Hyatt, Abrego, Gomez, Ellis, Chapa

Discussion: Council Member Hyatt made a motion to approve the Aransas Pass Crime Control and Prevention District's 2014-2015 Budget. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

13. **PUBLIC HEARING NO. 2 ON PROPOSED ARANSAS PASS FISCAL YEAR 2014-2015 BUDGET AND THE 2014-2015 PROPOSED EFFECTIVE TAX RATE.**

City Attorney Lawrence opened the Public Hearing at 7:40 PM.

City Manager Carrillo presented the City of Aransas Pass 2014-2015 Budget and Effective Tax Rate. She stated the proposed budget had the proposed fees incorporated in the budget (EMS fees, Drainage fee and water increase). She stated the effective tax rate will remain the same (no tax hike).

City Attorney Lawrence asked if there was anyone present who would like to speak in favor or against the City of Aransas Pass proposed Budget and proposed Effective Tax Rate.

Ms. Carol Salinas went over the proposed fees with City Manager Carrillo.

City Attorney Lawrence closed the Public Hearing at 7:42 PM.

14. **CONSIDER AND ACT ON THE PROPOSED ARANSAS PASS FISCAL YEAR 2014-2015 BUDGET AND THE 2014-2015 PROPOSED EFFECTIVE TAX RATE.**

Motion Made By: Council Member Hyatt

Seconded By: Council Member Gomez

Votes: Aye Hyatt, Gomez, Ellis, Abrego, Chapa

Discussion: Council Member Hyatt made a motion to approve the Aransas Pass Fiscal Year 2014-2015 Budget and the 2014-2015 Effective Tax Rate. Council Member Gomez seconded the motion and the motion carried unanimously.

15. **CITY MANAGER UPDATES:**

Discussion: City Manager Carrillo congratulated Mayor Pro Tem Abrego for her TML Region 11 position as Region Second Vice-President. She updated the Mayor and Council on Citizens Academy, transitioning of staff, Municipal Court Judge Howe is heading to training and she would be heading to training herself with IMCA.

16. **CITIZENS' COMMENTS**

Name: Mr. Alfred Flores

Address: Goodnight Street

Concern: Would like to build a shade structure on his adjoining piece of property and the Building Official. City Manager Carrillo stated she would meet with Mr. Flores to discuss procedures he needs to take.

Departments Affected: Building Department.

Name: Mr. Steve Warren

Address: N. Houston St.

Concern: Having dog issues with his neighbor.

Departments Affected: Animal Control, Municipal Court

Name: Ms Carol Salinas

Address: S 11th Str.

Concern: Would like to build a gazebo on her property. Ordinance in question was written in 1950.
Could the ordinance be revised? City Manager Carrillo stated yes.
Departments Affected:

17. **RECESS OPEN MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Mayor Chapa recessed the Open Meeting and retired to Executive Session at 8:03 PM.

- A. SECTION 551.072 – DELIBERATIONS REGARDING REAL PROPERTY – GRANT ERICKSON – CONN BROWN HARBOR PROPOSAL – ICWW MARINE COMPANIES, LLC D/B/A DIAMOND MARINE**
- B. SECTION 551.074 – DELIBERATIONS REGARDING PERSONNEL – SHARON COBB - RETIREMENT**

18. **RECONVENE IN OPEN MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.**

Mayor Chapa reconvened the Open Meeting at 9:18 PM

- A. SECTION 551.072 – DELIBERATIONS REGARDING REAL PROPERTY – GRANT ERICKSON – CONN BROWN HARBOR PROPOSAL – ICWW MARINE COMPANIES, LLC D/B/A DIAMOND MARINE**

Motion Made By: Council Member Hyatt
Seconded By: Mayor Pro Tem Abrego
Votes: Aye Hyatt, Abrego, Gomez, Ellis, Chapa

Discussion: **PASSED**

- B. SECTION 551.074 – DELIBERATIONS REGARDING PERSONNEL – SHARON COBB - RETIREMENT**

Motion Made By: Council Member Hyatt
Seconded By: Council Member Ellis
Votes: Aye Hyatt, Ellis, Gomez, Abrego, Chapa

Discussion: Council Member Hyatt made a motion to approve retirement for Ms. Sharon Cobb.
Council Member Ellis seconded the motion and the motion carried unanimously.

19. **ADJOURNMENT OF MEETING.**

Motion Made By: Council Member Hyatt
Seconded By: Council Member Ellis
Votes: Aye Hyatt, Ellis, Gomez, Abrego, Chapa

Discussion: No discussion needed.

Mayor Chapa adjourned the City Council meeting at 9:19 PM.

Adan Chapa, Mayor

